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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,765	10/04/2004	Jerome L. Cann	BUR920040035US1	5764
45093 7590 01/22/2007 HOFFMAN, WARNICK & D'ALESSANDRO LLC 75 STATE ST 14TH FLOOR ALBANY, NY 12207			EXAMINER LEE, HSIEN MING	
			ART UNIT	PAPER NUMBER
			2823	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/22/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/711,765

Applicant(s)

CANN ET AL.

Examiner

Hsien-ming Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-7,10,13-17 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 is/are allowed.
- 6) ☒ Claim(s) 1,4-7,10,13-15 and 17 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

HSIEN-MING LEE
PRIMARY EXAMINER

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

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DETAILED ACTION

Remarks

1. The objection to claim 19 has been withdrawn.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4-7, 10, 13-15 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Mikolas (US 2004/0005769).

In re claim 1, Mikolas, in Figs. 5A-5D and corresponding text, teaches a method of forming a semiconductor structure, comprising:

- providing a first material 53 and a second material 52/51;
- processing the first material 53 to form a portion of the semiconductor structure, i.e. polishing the first material 53 (from Fig. 5A to Fig.5D); and
- detecting a condition of the second material to determine whether processing of the first material is complete, wherein the second material 52/51 comprises a substance 52 provided on the first material 53, the substance 52 includes a tag having the detectable condition (i.e. having fluorescent material), i.e. detecting the presence of a fluorescent material in the second material 52/51 to determine the endpoint of the polishing (from Fig. 5B to Fig.5D and paragraph [0078]).

In re claim 4, Mikolas teaches that processing comprises removing a portion of the first material 53 (from Fig. 5A to Fig.5D).

In re claim 5, Mikolas teaches removing the second material 52/51 having the detectable condition (i.e. the fluorescent material 52 in the second material 52/51 is detectable), and wherein process of the first material 53 is complete upon removal of the second material, i.e. the removal of first material 53 is complete upon removal of the fluorescent material 52 in the second material 52/51 (from Fig. 5A to Fig.5D).

In re claim 6, Mikolas teaches that the processing of the first material 53 is incomplete if the detectable condition of the second material 52/51 is detected, i.e. the removal of the first material 53 is incomplete if the fluorescent material 52 in the second material 52/51 has not been detected (paragraph [0078]).

In re claim 7, Mikolas inherently teaches that if the processing of the first material 53 is incomplete (i.e. the removal of the first material 53 is incomplete), continuing the processing of the first material 53; detecting the condition of the second material 52/51 (i.e. detecting if the fluorescent material 52 in the second material 52/51 appears after removing or polishing the first material 53); and repeating the process and detecting steps until the detectable condition of the second material is not detected (i.e. repeating the polishing process and detecting the presence of the fluorescent material 52 of the second material until the fluorescent material 52 is not detected to reach the endpoint of the polishing).

In re claim 10, Mikolas teaches that the processing comprises chemical-mechanical polishing (CMP) (paragraph [0078]).

In re claim 13, Mikolas teaches that the processing of the first material 53 is complete when the detectable condition of the tag is detected only on areas of the semiconductor device selected from the group consisting of: expected areas of the first material 53 (i.e. the expected polished area of the first material 53).

In re claim 14, Mikolas teaches that the detectable condition of the tag comprises fluorescence (paragraph [0078]).

In re claim 15, Mikolas teaches that the tag comprises a fluorescent molecule (i.e. the fluorescent molecule presented in the florescent material 52, paragraph [0078]) that provides the detectable condition, and wherein the fluorescent molecule binds to a material selected from the group consisting of the material 51 of the semiconductor structure.

In re claim 17, Mikolas teaches that sacrificial layer 52 comprises a fluorescent film (paragraph [0078]), and wherein the detectable condition comprises fluorescence.

Allowable Subject Matter

4. Claim 19 is allowed.
5. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter:

In re claim 16, the prior art of record neither teaches nor suggests that the material comprises a liner for interconnects in a wiring level.

In re claim 19, none of the prior art of record, either alone or combination, teach or suggests that the sacrificial layer is selected from EuTTA, chelates of La, Sm, Eu, Gd, Lu, Yb,

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Tb, Dy or Tm or (beta)-diketone chelates including Eu benzolacetate, Eu dibenzoylmethide or Eu hexafluoroacetate.

Response to Arguments

7. Applicant's arguments filed 11/3/2006 have been fully considered but they are not persuasive.

Applicant argued that Mikolas fails to disclose each and every feature of the claims, especially, the substance 53 in Mikolas is not provided on the first material 51, but is formed under the materials 51 and 52 and the substance 53 does not include a "tag having the detectable condition."

In response to the arguments, Mikolas teaches providing a first material 53 and a second material 52/51; wherein the second material 52/51 comprises a substance 52 provided on the first material 53, the substance 52 includes a tag having the detectable condition, i.e. having fluorescent material.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hsien-ming Lee whose telephone number is 571-272-1863. The examiner can normally be reached on Monday, Tuesday and Thursday (7:30 ~ 6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Smith can be reached on 571-272-1907. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hsien-ming Lee
Primary Examiner
Art Unit 2823

Jan. 12, 2007

HSIEN-MING LEE
PRIMARY EXAMINER

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